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with failure among the nation's youth.[8]

IV. THE FAMILY UNDER COMMUNISM

A. The Marriage Law

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In reconstructing Chinese society, the Communist regime has undertaken to change the nature and function of the family. The first step in this direction was the new Marriage Law promulgated in May 1950. It is one of the three legal pillars of the state. The other two -- the Labor Union Law and the Land Reform Law -- were announced at a later date but put into effect within a much shorter time and with greater immediate success.[9]

Essentially, the outward provisions of Marriage Law are comparable to the laws affecting marriage and the family in the civil and penal code announced by the National Government in 1930 and 1931.[10] The basic features of the new law are summed up in its first three articles, which provide for: --

8. Mary C. Wright, "From Revolution to Restoration: The Transformation of Kuomintang Ideology, "Far Eastern Quarterly, August 1955, pp. 515-32.

9. See comment by the American editors of Current Background, Hong Kong, American Consulate, 236, pp. 1-3; hereafter cited as C.B.: Unless editorial comment is indicated, as here, citations from Current Background refer to literal translations of material in Communist

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(1)...The abolition of arbitrary and compulsory marriage and the putting into effect of freedom of marriage for men and women.
(2)...The abolition of the feudal system of marriage...based on the superiority of man over woman, and the putting into effect..of monogamy, and equal rights for both sexes.
(3)...The abolition of the feudal system of marriage, which neglects the interests of the children, and the putting into effect of the New Democratic system of marriage, which protects the lawful interests of women and children.[11]

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In propagandizing and implementing the Marriage Law, the regime struck against the old authoritarianism of the family head, child marriages, mistreatment of women and discrimination against them as inferior to men, and the mistreatment of children by parents. Wives, especially wives of arranged marriages, were encouraged to seek divorce from intolerant, unrepentant husbands. However, if husbands could be made to adopt the new attitude toward women, partners of arranged marriages were urged to remain united.

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9. (continued) magazines and newspapers, and should be evaluated accordingly.

10. See comment of American editors of C.B., 136, p. 3.

11. "Document 7," C.B., 236, pp. 22-29.

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significance.[15]

B. Implementation of the Marriage Law

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As the Nationalist Government had made no attempt to put into effect the marriage and family provisions of its 1930-31 codes among the rural population, the spirit and provisions of the Marriage Law were new and alien to this great majority of the Chinese people. They were still bound to the traditional family and had not encountered the economic experience and education which had pushed the family in Western-influenced cities toward new types of social organization from the beginning of the twentieth century. Moreover, the new law offered no immediate or apparent economic benefits as had the Land Reform Law.

The result was apathy, when not open resistance, toward the reorientation of marriage and family practices among the farming population. These attitudes were as typical of most of the village cadres as of the rural people generally.[16] However, Liu Ching-fan's criticism in 1953 of the use of force by village cadres to achieve acceptance of the new Marriage Law's provisions indicates that up to that time violence

15. See, for instance, C.B., 275, p. 4; and S.C.M.P., 1048, pp. 30-31.

16. See comment of American editors of C.B., 136, pp. 3-4.

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671 accompanied this measure as it had other measures in Communist China.[17]

The regime became aware only slowly of the failure of the Marriage Law to take automatic effect. A preliminary investigation gave such cause for concern that a thorough investigation was made at the end of 1952.[18] The results impelled the Communists to launch a drive for the thorough implementation of the Marriage Law and intensive indoctrination of the people in its principles. The movement was restricted to Han Chinese areas where land reform had been completed.[19]

Summing up the result of the campaign before the Government Administrative Council on November 11, 1953, Liu Ching-fan reported satisfactory indoctrination of 80 to 90 per cent of the adults in 15 per cent of the nation's hsien and municipalities where land reform had been completed and, to a somewhat lesser degree, 60 to 70 per cent of the people in 60 per cent of similar local areas. Almost no progress was indicated in the remaining 25 per cent of the localities.[20] Assuming the population in these areas to be roughly equal, these figures would mean that on an over-all basis even partial success

17. C.B., 273, p. 4.
18. See comment of American editors of C.B., 136, pp. 3-4.
19. C.B., 273, p. 1.
20. Ibid., p. 3.

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was claimed for only 48 to 55.5 per cent of the population subjected to the indoctrination process.

C. The Communists' Vague Picture of Success

Unfortunately, we cannot precisely judge how successful the regime has been in implementing the Marriage Law nationally or regionally. Communist evaluations are too generalized to reveal a definite picture, and statistics released by the regime are sketchy and, when available, rarely provide a basis for significant comparison. For instance, in the spring of 1955 the Ministry of Internal Affairs reported on the prevalence of free marriages during the first quarter of 1954, stating that of the 402,205 applications for marriage registration in 562 hsien and municipalities of 15 provinces, only 1.07 per cent were denied because the contemplated marriages had been forced or arranged without the willing consent of the couples concerned.[21] No figures were given on the remaining, roughly three-quarters of the country's hsien and municipalities, nor was any indication given to show whether the figures cited were typical of the whole country, the only figures available, or figures selected for propaganda or other

21. S.C.M.P., 1002, p. 3.

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582 purposes. If the figures can be given credence,
671 they indicate a remarkable advance over the situation existing two years earlier. After an investigation of Marriage Law implementation in 1952, a woman minister of justice, Shih Liang, reported that in only three of the country's 2,086 counties were families reformed up to perfect Communist standards, and that in the East and Central-South regions freely contracted marriages and other reforms had gained no acceptance with the people.[22]

582 A further study of figures issued by
671 Communist sources indicates that the regime did
762 not have exact knowledge of the situation in
674 many areas. To cite one example, an announcement of the results of the 1952 investigation of Marriage Law implementation include "incomplete statistics" on deaths attributed to the existence of problems and mistreatment connected with the "feudal family" system. According to these figures, 4,105 women were killed or driven to suicide in the East China Region between January and August 1952; and 356 women and 161 young men suffered the same fate in the Northwest Region during the first half of 1952. In lieu of figures for the Central-South Region, the report mentioned 606 young men and

22. China News Analysis, Hong Kong, No. 5, p. 3.

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women met violent deaths as a result of marriage disputes in 39 hsien (out of a total of 86) in Hunan.[23]

674 It seems reasonable to assume that the figures are incomplete and the categories not comparable because the Communists had no more accurate material to offer. If the incidence of violence in connection with marital and family disputes is truly reflected in these figures, their extension into yearly rates shows these deaths occurred at the rate of less than two per hundred-thousand population in the Northwest Region, less than four per hundred-thousand in the East China Region, and less than nine per hundred-thousand in Hunan. It should be remembered, however, that these ratios are based on incomplete figures and that the incidence of violence may have resulted as much from Communist pressures as from the authoritarian character of the traditional family.

586 Divorce and marriage figures released by the Communists are equally difficult to render meaningful because of gaps in statistics and the different time spans and categories which are given for the figures cited. For the nation as a whole, the number of divorces was reported to have risen from 186,000 in 1950 (the last seven months of it under the new

23. C.B., 236, p. 5.

625 the entire existing police force.

The police should be distinguished from the security forces, which as a component part of the armed forces, are allegedly under the control of the military district command. However, the latest trend indicates an integration of the security forces into the police force. Such a step has already been taken at the district and county level, where the armed force of the police is organized to perform the functions of its predecessor, the security force.

III. CRIMINAL CODES AND LAWS GOVERNING COUNTERREVOLUTIONARY ACTIVITIES

• 671 Although the compilation of a criminal and civil code is assigned to the State Council's Bureau of Codification, the former Commission on Codification under the Government Administration Council, as yet no report has been made available. However, at different times decrees and orders have been issued by governments of all levels. The examination of some such decrees will help to explain how the Communist regime seeks to maintain "public order and safety."

A. Criminal Code

694 671 The decree[37] promulgated by the Chairman of the People's Republic of China in December 1954 explains the procedures for arrest and detention.

37. People's Daily, Dec. 21, 1954, p. 1.

671 694 As a rule, public security agencies when making arrests must first obtain a warrant from either the People's procuratorate or the People's court. Sometimes there are circumstances under which immediate arrests are permissible. These exceptions in fact, grant the public security agencies more power than the wording of the decree would suggest. For example, a person who cannot establish his identification or has no fixed place of residence is subject to immediate arrest. Although the decree makes provisions to guarantee the right to demand a search warrant, a minimum period of detention, and an early and rapid trial, arbitrary arrests made by the security agencies negate the value of these guarantees.

671 Apart from those decrees relating to the punishment of counterrevolutionaries, which will be discussed below, two other decrees also may be of interest: the decrees on the safekeeping of national security information[38] and on the violation of laws pertaining to the national currency.[39] National security information includes not only national security and military matters in the usual sense but also any data relating to economic and financial affairs, transportation conditions, and matters of a judicial and legislative nature. Hence, any leakage of such information is a criminal offense, subject to severe punishment. In the same fashion, any violation of the laws on national currency committed with the intention of aiding counterrevolutionaries is regarded as an act of counterrevolution and bears severe penalty.

38. Yangtze Daily June 11 1951, p. 1.
39. Ibid. April 28, 1951, p. 4.

•671 Another important decree issued at the time of the Three-Anti Campaign pertains to the penalties for acts of corruption. Personnel working in government offices, enterprises, schools, and other state organizations who are accused of corruption, and non-governmental workers who are accused of offering bribes or aiding government workers in acts of corruption are subject to punishment under this decree. Crimes held to be instances of corruption are many and the punishment is severe. The decree also grants to individuals the right to accuse others and the protection necessary to avoid retaliation.

B. Decrees for the Suppression of Counter-revolutionaries

687 Counterrevolutionaries include all persons whose activities are inimical to the interests of the state. Specifically the category may include "bandits" of all kinds, inc uding landlords, "despots," spies former Nationalist officers engaging in counterrevolutionary activities, and members of various secret societies.

The provisional regulation for the suppression of landlords who violated land reform policies, issued by the East China Military and Political Committee in September 1950, was the first counterrevolutionary decree of its kind. Landlords who resisted the execution of the agricultural law were subject to this order. "Resistance" included the "spreading of rumors," the illegal sale of land, bribery of officials, and other acts